



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 8, 2007

The Honorable Judith T. Spang, Chairman
Resource, Recreation and Development Committee
Room 305, Legislative Office Building
Concord, NH 03301

RE: HB 777-FN-A, relative to imposing a fee and a fine for certain changes to terrain alteration permits

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 777-FN-A, relative to imposing a fee and a fine for certain changes to terrain alteration permits. We welcome the Legislature's efforts to explore alternative methods to fund programs or entities, such as the New Hampshire Land and Community Heritage Investment Program (LCHIP) and local conservation commissions, to enhance natural resource protection programs. However, DES has concerns with the implementation of the proposed permit amendment fee system because it doesn't distinguish between minor administrative and major technical modifications.

HB 777-FN-A requires the DES Alteration of Terrain program to charge a fee of \$5,000 for modification of a permitted plan if such modification is made within 5 years of the issuance of the original permit. Any fee revenues would be distributed as follows: 50 percent to LCHIP, 25 percent to the local conservation commission where the land is located, and the remainder to the general fund. HB 777-FN-A also imposes an administrative fine of \$5,000 for violations of the proposed provisions. Administrative fine revenue would be distributed in the same manner as the fee revenues.

During a typical year, approximately 60 percent of the 130 permit modifications issued by DES are for minor administrative changes, rather than major technical modifications to projects. Minor modifications typically include changes in the permit holder name or an extension in the permit expiration date (permits are currently, by rule, valid for 2 years, but permit extensions are allowed). The other 40 percent of annual permit modifications include technical modifications to design plans that vary widely: Some are limited to minor adjustments, such as slight changes in orientation or location of structures, while others may be considered significant, such as a complete reconfiguration from a traditional residential subdivision to a cluster development. Given the wide range of modifications that occur, we suggest that either a tiered fee system or a threshold on the degree of modification that triggers the proposed fee be established.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact Ridgely Mauck, Alteration of Terrain Program Supervisor, at 271-2303 or me at 271-2958.

Sincerely,

Michael Mauck, Atty. Comm.
for Thomas S. Burack
Commissioner

cc: Representative Phinizy